



41

\$3131

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                  |   |
|------------------|---|
| Inventor:        | Michael Austin and Barry O'Brien                    |
| Application No.: | 09/683249   |
| Filed:           | December 5, 2001                                    |
| For:             | Combined Balloon-Expanding and Self-Expanding Stent |
| Examiner:        | Michael Thaler                                      |
| Group Art Unit:  | 3731  |

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Docket No.: S63.2B-10014-US01

TRANSMITTAL LETTER

- In regard to the above-identified application, in addition to this 1 page transmittal letter, we are submitting the attached:  
**2 page Amendment, Petition and Fee to Correct and/or Add to Originally Named Inventor(s) (37 C.F.R. 1.48(a) and/or (c)); 1 page Petition to Correct Inventorship Pursuant to 37 C.F.R. 1.48(a); 3 page Declaration and Postcard.**
- With respect to fees:
  - ☐ No additional fee is required.
  - ☒ Attached is check(s) in the amount of \$130.00
  - ☐ Charge additional fee to our Deposit Account No. 22-0350.
- CONDITIONAL PETITION FOR EXTENSION OF TIME**  
 This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
- Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: May 5, 2004

By: *Brendan Babcock*  
 Brendan C. Babcock  
 Registration No.: 50705

**RECEIVED**  
 MAY 14 2004

6109 Blue Circle Drive, Suite 2000  
 Minnetonka, MN 55343-9185  
 Telephone: (952) 563-3000  
 Facsimile: (952) 563-3001  
 f:\wpwork\bc\10014us01\_tra2\_20040505.doc

TECHNOLOGY CENTER 3700

**Certificate Under 37 CFR 1.8:** I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Mail Stop Petition, Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on May 5, 2004.

*Rebecca M. Painschab*  
 Rebecca M. Painschab



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael Austin and Barry O'Brien  
Application No.: 09/683249  
Filed: December 5, 2001  
For: Combined Balloon-Expanding and Self-Expanding Stent  
Examiner: Michael Thaler  
Group Art Unit: 3731

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2B-10014-US01

AMENDMENT, PETITION AND FEE TO CORRECT AND/OR ADD  
TO ORIGINALLY NAMED INVENTOR(S) (37 C.F.R. 1.48(a) AND/OR (c))

1. This amendment and petition is to:  
(check each applicable item)

☒ correct the incorrect original naming of inventor(s) under  
37 C.F.R. 1.48(a).

and/or

☐ add inventor(s) for subject matter disclosed in the application but  
previously unclaimed under 37 C.F.R. 1.48(c).

2. Addition and/or Deletion of Inventor(s)  
(check and complete all applicable items)

☒ Add the following previously unnamed person(s) as inventor(s) of  
this application:

Barry O'Brien

☐ Delete the following previously incorrectly named inventor(s):

3. Attachments

Attached is:

- (a) a statement of facts verified by the original named inventor(s) establishing when the error without deceptive intention was discovered and how it occurred and/or when the claims to the previously disclosed unclaimed subject by the inventor(s) not named in the application were added and the diligence with which this petition and amendment is being made with respect to these facts.
- (b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. 1.63.
- (c) written assent of the assignee *(if applicable)*.
- (d) *(check the following item if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claims now being claimed.)*

- ☐ Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

4. Fee Payment (37 C.F.R. 1.17(h))

The fee required is paid as follows:

- ☒ Enclosed is a check for \$130.00.
- ☐ Charge Deposit Account No. \_\_\_\_\_ for any deficiency.
- ☐ Charge Deposit Account No. \_\_\_\_\_ the sum of \$130.00.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: May 5, 2004

By: Brendan C. Babcock  
Brendan C. Babcock  
Registration No.: 50705

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001  
f:\wpwork\lcb\10014us01\_pet\_20040505.doc